The Toronto World

SATURDAY MORNING, APRIL 23, '10

ST. GEORGE'S DAY.

This is St. George's Day, a festival which has possessed a distinctly English character since the decree of the Oxford Council in 1222. But not until 1349, during the reign of Edward III. was St. George definitely recognized honor shared with Aragon and Portugal. However national the celebraland and Scotland, even tho, in the latter case, St. Andrew has had to give place to Robert Burns. No doubt small nationality against the pressure of develop a pronounced patriotism, but partner in the United Kingdom, it can scarcely be denied that Englishmen at home have not for a long time displayed any marked enthusiasm over their national festival.

In a recent article, Frank T. Buller pled for a stronger assertion of English nationalism. Whether this is the democratic north, remains to the seen, but certainly the gulf is not so the highlands and lowlands of Scotland only a century and a half ago. At to keep alive the festival of their pa-ach and stimulates the liver, kidneys and skin, thus purifying the blood tron saint. To-day, the St. George's tron saint. To-day, the St. George's Society of Upper Canada will cele- a box, 6 for \$2.50, or trial box, 25c., or will be sent postpaid on receipt of brate the seventy-fifth anniversary of its foundation in 1835 by Lieut.-Colonel the Hon. Joseph Wells. In early profavorably noted for its generous contri-States civil war. Canada has no reason to disparage the English element in her population, because in a few instances there may be lack of adaptability. Englishmen, like every other race, have the defects of their qualities, and these are pre-eminently the qualities which, modified to suit their new environments, are of the utmost importance in creating a strong lawabiding and self-reliant nation.

BRITISH CAPITAL IN CANADA.

Britain has loaned Canada more than will be acceptable to a very large ma si. hundred millions of dollars. This jority of the business men of Toronto is the amount arrived at by Mr. Fred W. Field, managing editor of The and it is time the curtain was rung Monetary Times, after five months' down on the stupid performance careful investigation, during which period recourse was had to every known and reliable source of information. The results of his enquiry have been embodied in an article appearing been embodied in an article appearing in the service as they have been ready and anxious to undertake. Let the proposal of the company be accepted, and we shall know whether it is a bluff leave to issue concurrent writ for service or made in good faith.

D. W. vice out of jurisdiction and for service port of British capital to the Dominion that has been offered. The fact is highly creditable to the enterprise of The Monetary Times and its managing editor and the careful review of the Canadian conditions and outlook, both federal and provincial, and detailed analysis of the public and industrial undertakings that have attracted British investors will be found highly instructive and of permanent benefit thruout the Dominion

The figures embodied in Mr. Field's article disclose the vast loaning powers of Great Britain. Far from showing any symptoms of diminution, they appear never to have been so much in evidence as in 1909, when the total British investment in Canada-taking public flotations alone-was equal to half the aggregate of the previous four years. Mr. Field adds that the first three months of Canadian borrowing for the current year indicates that all previous records of British export of capital to the Dominion will probably be eclipsed. To whatever cause this is owing-it has been argued in Britain that the Lloyd-George budget has had the effect of diverting capital abroad-Canada has no reason to complain of this particular consequence. The Dominion now takes high place in the confidence of the British investor and Mr. Field rightly calls attention to the supreme necessity of maintaining that confidence unimpaired. His warning applies to industrial flotations equally with public se-

Vindication by a partisan majority is not even a whitewash.

Toronto has lost the two opening matches of the Eastern League, but a had beginning often means a good end. Henceforward a man with toothache

QUALITIES OF FRUIT

Demonstrated by "FRUIT-A-TIVES"

Physicians puzzled over the strange case of Kingston girl — Nothing did her any good until the Famous Fruit Medicine completely restored her to health

The people are awakening to the marvelous powers of fruit juice as a ventative and cure of disease. "Fruit-a-tives"—the only medicine in world actually made of fruit juice—has demonstrated the extraordinary preventative and cure of disease.

the world actually made of fruit juice—has demonstrated the extraordinary value of fruit juice, even in cases that were apparently hopeless. The strange case of Miss Mabel Todd of Kingston, Ontario, well illustrates the wonderful properties of "Fruit-a-tives."

From a happy, rosy-cheeked girl, she had become pale and thin and so weak that she could hardly stand. He many friends knew that something serious was the matter. The best medical attention was sought, but the ordinary resources of the physician failed to do any good.

Re Canadian Order of Home Circles v. Hicks—J. E. Jones, for Dr. E. S. Hicks—J. H. Spence, for the society. No one for other parties, Motion by Dr. Hicks for payment to him of \$2000 under certificate of the society. Order for payment into court of \$2000, less costs fixed at \$30, and for payment out of balance to Dr. Hicks. the ordinary resources of the physician failed to do any good. As a last resort, "Fruit-a-tives" was tried. Read the result.



alarmed. I was treated by physicians and but none did me any good. Then I began taking 'Fruit-a-tives.' and this medicine com-

"I suffered for some

MISS MABEL TODD.

pation and Stomach Trouble, and gave me back perfect health."

MISS MABEL TODD.

MISS MABEL TODD. "Fruit-a-tives" made this wonderful cure because "Fruit-a-tives" is a magnificent heart tonic and nerve tonic. "Fruit-a-tives" soothes the stom-

His facial contortions might be mis-

price by Fruit-a-tives, Limited, Ottawa.

Last year's British budget has again passed its first reading. But with the until the bill becomes an act. This is for Monday, 25th inst., at 11 a.m.; one of the penalties of creating prece-

In almost the same breath the Hon. A. B. Aylesworth described himself ministerially as simply the "general attorney of the people of Canada" and then personally as a political partisan. This may be frank, but it is not conducive to a proper official standard of conduct. As minister of justice he should act for the public good, not for party advantage.

(to be continued).

2—Rex v. Frank.

3 Jones v. Toronto and York Radial Railway Company.

4—McLeod v. Canadian Stewart Co.

5—Purse v. Gowganda Queep Mining

Editor World: The policy advocated Within the past few years Great sals of the street railway company The farce of fighting the railway com-

AT OSGOODE HALL

ANOUNCEMENTS. Single court and judges' chambers will be held from 10 a.m. to 11 a.m. next week, 25th to 29th inst.

Peremptory list for divisional court 2-Ross v. Emerson

3-Federal Life v. Siddall. 4—Weston v. Perry. 5—Re Macdonald Arbitration. 6—Reid v. Toronto.

Peremptory list for court of appeal for Monday 25th inst. at 11 a.m.:

1—Seaman v. Canadian Stewart Co. (to be continued).

Non-Jury Assizes. Peremptory list for non-jury assize court for Monday, April 25, at 11 oom.:

McLean-Stinson v. White McLean-Stinson v. Calgary Fire In-Stewart v. Cobalt Hydraulic.

Master's Chambers Before Cartwright, K.C., Master. Fleming v. Goss—G. E. McCann, for plaintiff. Motion by plaintiff on consent

OLD GOLD

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RIGARETTES

Burns, for defendant. Motion by plaintiff for judgment under C. R. 603. Motion dismissed. Costs in cause.

Beatty v. Beatty—G. Grant, for plaintiff. H. C. Macdonald, for defendant. Motion by plaintiff for interimalimony and disbursements. Order made for \$10 a week from 1st April for interim alimony and \$30 for disbursements.

Judge's Chambers.

Before Meredith, C. J.

Re Johnston—W. D. Gwynne, for J.

A. Johnston. F. W. Harcourt, K.C.,
for infant. An application on behalf
of John A. Johnston for payment out
of court to him. Order made.

Re Walker—H. H. Colller, K.C., for
executor. F. W. Harcourt, K.C., for
infant. Elmer Cook. An application by

weak that I could F. W. Harcourt, K.C., for infant. An application on behalf of infant for the payment out to him of a sum not exeeding \$100 for dentist's bill and edceeding \$100 for dentist's bill and educational expenses. Order made.

McIntee v. McIntee.—J. T. White, for plaintiff. H. D. Petrie (Hamilton), for defendant. Motion by plaintiff to remove action from surrogate court of Peel into the high court. Order made. Costs reserved to trial judge.

Re Union Manufacturing Co.—G. Grant. for petitioner. L. M. Singer. Re Union Manufacturing Co.—G. Grant, for petitioner. L. M. Singer, for assignee. Motion for winding up order, enlarged for one week.

Re Sutton.—J. W. Laurason (Dundas), for J. Sutton. F. W. Harcourt, K.C., for infant. An application by John Sutton.

Re Humphrey.—F. W. Harcourt, K.C., for infant. Motion for an order continuing maintenance allowed by order of 1905. Order made continuing eldest to be obtained from time to

Mitchell v. C.P.R. Co.—F. W. Har-court, K.C., for infant. Motion on behalf of infant for immediate pay-ment out of court of \$25 and for \$25

the amount with interest amounting in all to \$154.60. At the trial plaintiff produced and proved making of the note. On his cross-examination it appeared that he had other dealings with defendant and a Mrs. James, that he had an account in his books with them, that the amount of the note formed one of the items of this account in the second one of the items of this account in the second one of the items of this account in the second one of the items of this account in the second one of the items of this account in the second one of the items of this account in the second one of the items of this account in the second one of the items of this account in the second of the items of the it produced and proved making of the note. On his cross-examination it appeared that he had other dealings with defendant and a Mrs. James, that he had an account in his books with them, that the amount of the note formed one of the items of this account, and that he had taken a mortgage from Mrs. James covering the amount of the account. Upon this appearing the judge stopped the case, holding that the court had no jurisdiction to pursue the enquiry.

I am, with respect, of the opinion that the ruling of the judge cannot before Mulock, C.J., Clute, J., Sutherland, J.

Nesbitt v. Trustees. A. R. Cocherane, for defendants. Argument of appeal resumed from yesterday. Appeal dismissed without costs.

Jackson v. Mackay.—J. W. Payne, for plaintiff. W. J. McWhitney, K.C., plaintiff from the judgment of J. A. Cameron, official referee, in a proceeding under the Mechanics' Lien Act of 5th March, 1910. This action was that the ruling of the judge cannot

be supported.

The order must go as asked, and there will be no order as to costs.

Before Teetzel, J.

Kenyon v. North Dumfries.—L. F.

Heyd, K.C., for Kenyon. Ex parte
motion by plaintiff for an order enforcing award. Order made.

Trial. Before Meredith, C.J. Christie v. Richardson.—A. J. Keel-er, for plaintiff. W. Proudfoot, K.C., and M. Grant, for defendant Richardson. G. H. Watson, K.C., for defen-

was contractor for the carpenter work, and defendant Webb, contractor for the brick work of a school house which was being erected in the neighborhood of Toronto. Plaintiff was a bricklayer in employment of defendant Webb. Plaintiff fell from a gangway and was injured and brings this action for damages, basing his right against Webb for breach of his duty to provide a safe and sufficient gangway, and to keep it in such condition, and basing his right to recover against Richardson on alleged interference by him with the gangway, which contributed to its unsafe condition. If, as I have found, there was nothing to in-dicate to the plaintiff that the addi-tion was not intended to be used as part of the gangway, it was, I think, Leitch's duty to see that it might be safely used in its altered state. This could have been readily ascertained by an inspection of it, and I have no tion the accident would not have hap-pened. I must therefore find that the accident was caused by his negligence in performance of the duty with which he was entrusted by the defendant Webb of seeing that the ways, etc., were proper. I find that the plaintiff was not guilty of contributory negli-gence, and that he is entitled to judgment against defendant Webb for \$800, the damages assessed by the jury, with costs. Action dismissed against defendant Richardson, without costs.

Divisional Court. Before Meredith, C.J., Britton, J.

Clute, J. Waddington v. Humberstone. — Johnston, for defendants. G. Grant, for plaintiffs, contra. An appeal by defendants from the judgment of the chancellor, of 19th November, 1909.

The action was for a commission for sale of Humberstone Farm to one Joh Firstbrook, for \$24,750, and plaintiff claimed \$1237.50. At the trial judgment was given plaintiffs for that amount and defendants appealed to this court Judgment: The plaintiffs did not in fact effect a sale. We are not able to say upon the evidence that they really did anything which proved to be of advantage to defendants, or to

WHITEBROS

SUMMER SUITS YOUNEED SIAWEEK



OPEN EVENINGS

ment out of court of \$25 and for \$25 on 1st December. Order made.

Green v. Crawford.—P. M. Ferguson, for plaintiff. S. Denison, for defendant. A motion by plaintiff for a mandatory order to the judge of the 3rd division court of the County of Elgin to try the action.

Judgment: Plaintiff's claim is upon a promissory note made by defendant for \$140. Plaintiff seeks to recover the amount with interest amounting in all to \$154.60. At the trial plaintiff

Before Mulock, C.J., Clute, J., Suth-

5th March, 1910. This action was brought to recover \$640.70 from the defendant under a contract made between the Union Standard Furnace Co., and defendant, and assigned to plaintiff. Defendant counterclaimed for damages for misskilful, etc., workmanship. The judgment of the official referee, dismissed plaintiff's action with costs, and gave defendant judgment for \$125 on his counterclaim with costs. Plaintiff appeals from that judgment to this court. Appeal argued 5th March, 1910. / This judgment to this court. Appeal argued and allowed and reference back ordered in terms consented to by counsel and approved by the court.

Hutchinson v. Jaffray.—N. W. Rowell, K.C., for defendants. R. W. Eyre, and W. C. Mackay, for plaintiff. An appeal by defendants from the judgment of Magee, J., of March 1, 1910,

Argument stands adjourned until next week by direction of court. Court of Appeal. Before Moss, C.J.O., Garrow, J.A.

Maclaren, J.A., Meredith, J.A., Magee, J.A.
Smallwood Brothers v. Powell, C. A. Moss, for defendants. I. F. Hell-muth, K.C., and D. Urquhart, for plaintiff. Argument of appeal by de-fendant from the judgment of Clute, J., of 22nd December, 1909, resumed from yesterday and concluded. Judg-

ment reserved.

Seaman v. The Canadian Stewart
Co.—J. Bicknell, K.C., M. L. Gordon,
and J. E. Swinburne, for appellants.
G. F. Shepley, K.C., and H. L. Drayton, K.C., for respondents. This action was brought by plaintiffs to recover \$21,834.37, from the Canadian Stewart Company, for work done and materials provided in connection with excavation of the site and foundation of an elevator at Fort William, under agree-Company. At the trial before Judge O'Leary, judgment was given for plaintiffs for \$19,756.25, with interest and costs. Defendants by leave appeal from that judgment direct to this court. Not concluded.

Before Maclaren, J.A. Goodison v. Township of McNab.-J. E. Jones, for plaintiff. W. M. Douglas, K.C., for defendant. Motion by plaintiff for an order allowing the bond, and for leave to appeal to the supreme court. Order made.

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MICHIE'S Extra Old Rye Whiskey is always of the same even

quality and mellow flavor-none better. Michie & Co., Ltd. 7 King St. West ed7

Will Meet at Boston, NEW ORLEANS, April 22.—The International Brotherhood of Railway Clerks has elected J. J. Carrigan of Memphis, president, and selected Boston as the place of meeting in 1912. R. secretary-treasurer.

Died at Age of 92.

PORT HOPE, April 22.—J. G. Williams died here this morning at the age of 92. He had been a member of the board of trade and of the town

THE RONGE ST. and then must groupe a dissemble.



LONDON, Ont., April 22. The Parker, who was killed in an elevant McClary's, is the third member

The thouse Although for there is ber of